

Application No.: 10/777,562  
Response dated: January 30, 2009  
Reply to Office Action November 4, 2008

### REMARKS

Reconsideration of the application is respectfully requested.

Claims 1, 5-8, 10-15 and 46 are before the Examiner. Amendments to the Claims are shown based on Claims 1-45 of the corresponding issued U.S. Patent No. 6,271,323 ("US-323"). Claims 1, 5, 6, 7, and 8 have been amended as previously discussed in the RCE filed October 12, 2007. Claims 2, 3, 4, and 9 have been cancelled. New Claim 46 has been added. Claims 1, 5-8, 10-15 and 46 remain in the instant application.

In the instant response, Claim 1 has been further amended to replace the term "C<sub>2</sub> to C<sub>20</sub> alkyl group" with the term "C<sub>2</sub> to C<sub>20</sub> alkylene group", as suggested by the Action. Support for this amendment may be found at Col. 5, lines 29-32 of US-323. In addition, consistent with the RCE filed October 12, 2007, Claim 1 has been amended to further clarify that the recited catalyst system comprises a Group 15 containing tridentate ligated hafnium catalyst compound as previously recited in original Claim 4 of the instant application. Support for this amendment may be found, for example, at Col. 4, lines 56-57 of US-323. The term "metallocene type", resultant from a previous amendment, and objected to by the Office Action, has been amended to remove the word "type" consistent with the claims of US-323.

Claim 5 has been amended to properly depend from Claim 1.

Claims 6 and 7 have been amended to further clarify Applicants' presently claimed invention. Support for these amendments may be found, for example, at Col. 5, lines 39-57 of US-323, as previously discussed in the Response dated February 12, 2004.

Claim 8 has been amended to further limit R<sup>1</sup> and R<sup>2</sup> to a preferred embodiment. Support for this amendment may be found, for example, at Col. 5, lines 57-58 of US-323.

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New Claim 46 has been added to recite a preferred embodiment of Applicants' presently claimed invention. Support for this amendment may be found, for example, at Col. 5, line 39 to Col. 6, line 40 of US-323.

No new matter has been added.

#### Double Patenting

Claims 1, 5-8, 10-15 and 46 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-38 of U.S. Patent No. 6,271,325 to McConville (hereinafter "McConville-325".) Upon indication of allowable subject matter in the present case, a Terminal Disclaimer will be filed as appropriate.

Claims 1, 5-8, 10-15 and 46 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-14 of U.S. Patent No. 6,300,439 to McConville (hereinafter "McConville-439".) Upon indication of allowable subject matter in the present case, a Terminal Disclaimer will be filed as appropriate.

#### Rejection under 35 U.S.C. §102

Claims 1, 5-8, 10-15 and 46 have been rejected under 35 U.S.C. §102(e) as being anticipated by McConville-325. Applicants respectfully disagree.

Applicants recite, *inter-alia*, "a process for polymerizing olefin(s) comprising combining said olefin(s) in the presence of a catalyst system comprising a Group 15 containing tridentate ligated hafnium catalyst compound...and a bulky ligand metallocene catalyst compound..."

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McConville-325 is generally directed to a composition of matter and a polymerization process comprising combining an olefin in the gas or slurry phase with an activator, a support and a compound having the same general formula as recited in the presently claimed invention. However, McConville-325 fails to disclose or suggest combining the Group 15 containing catalyst compound with Applicants' recited bulky ligand metallocene catalyst compound. McConville-325 fails to disclose or suggest all of Applicants' recited limitations. Accordingly, McConville-325 cannot reasonably be found to anticipate the instant claims. Applicants respectfully request that the rejection be withdrawn.

Claims 1, 5-8, 10-15 and 46 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,294,495 to Matsunaga (hereinafter "Matsunaga".) Applicants respectfully disagree.

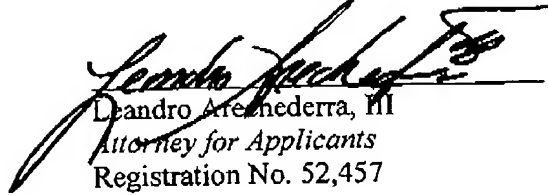
Matsunaga is directed to an activated tridentate mono-anionic-ligand-based transition metal catalyst in a reduced oxidation state for olefin polymerization. Matsunaga fails to disclose or suggest Applicants' recited process comprising a Group 15 containing catalyst compound; much less such a catalyst in combination with a bulky ligand metallocene catalyst. Matsunaga thus fails to disclose or suggest all of Applicants' recited limitations. Accordingly, Matsunaga cannot reasonably be found to anticipate the instant claims. Applicants respectfully request that the rejection be withdrawn.

The cited prior art fails to disclose or suggest all of the limitations recited in Applicants' presently claimed invention. Applicants respectfully request that all rejections be withdrawn and solicit a prompt notice of allowability. In the alternative, Applicants invite the Office to telephone the undersigned attorney if there are any other issues outstanding which have not been presented to the Office's satisfaction.

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Respectfully submitted,

January 30, 2009  
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